

**ELK RIDGE  
CITY COUNCIL MEETING  
JULY 26, 2022**

**TIME AND PLACE OF MEETING**

This public hearing and regularly scheduled meeting of the Elk Ridge City Council was scheduled for **Tuesday, July 26, 2022, at 7:00 PM preceded by a joint work session with Planning Commission at 6:00PM.** The meeting was held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah. Notice of the time, place, and Agenda of this Meeting was provided to the Payson Chronicle, 145 E. Utah Ave, Payson, Utah, and to the members of the Governing Body on July 25, 2022.

**ROLL CALL**

Mayor Pro Tem: Nelson Abbott

Council Members: Nelson Abbott, Tricia Thomas, Jared Peterson, Cory, Thompson, Absent – Mayor Haddock

Others: Royce Swensen, *City Recorder*, Laura Oliver, *Deputy Recorder*

Public: Kristen Rutter, Mark Shillingburg, Valerie Gettys, Lisa Graham, Dari Schulb, Ken Christensen, Dave Clark, Ron Clark, KC Bush, Robert Strang, Holly Worthington, Blake Worthington, James Alistrum-Attorney, David Ruff, Sharon Shuler, Karl Shuler, Kelly Adams, Aubrey Johnson, Justin Hutchins, Jed Shuler, Leann Adams, Kevin Clark, Shae lark, Barry Fullmer, Katy Fullmer

Councilmember Nelson Mayor - Pro Tem stated this is a joint meeting with Planning Commission to discuss the CE3 Code and will go through the most current changes.

Councilmember Abbott stated there is an added a line for adding parking areas for trail heads. Question was asked who pays for this, could impact fees pay for this. Councilmember Abbott stated no but the city would need to put it in the capital facilities plan. Additional density could be given in exchange for parking areas. Parking areas would keep cars from parking all over the neighborhoods.

Another line was for water drainage

Open space was stricken and changed to unbuildable, which are the ridgelines and steeper slopes

Fault lines an additional line was added.

Wildlife corridors were better defined. Discussion ensued on how to connect corridors and if there are and how to identify wildlife corridors. Councilmember Thomas stated the city cannot go rogue and just choose what is a corridor but should defer to the experts. Councilmember Abbott stated the Utah Fish and Game Department identifies wildlife corridors. Councilmember Abbott spoke with this department, and they stated that wildlife 20%-30% are what animals' traverse where they can see prey and they don't have to connect. The Fish and Game maps show corridors that mirror what the cities map show of the steeper slopes There are no official wildlife corridors at this time but the Fish and Game will be collaring wildlife in this area to determine that but it is not scheduled. Animals will go where they feel the safest. Standard livestock fences let animals through. Councilmember Thompson states that the HR1 10-9-2 code already has in it about preserving the natural habitat in the natural state; why would we change that.

Councilmember Peterson states the HR1 Code is too restrictive. There are only a few ridges, but the rest is not and should not be as restrictive. Councilmember Abbott stated 30% slopes already do not allow fences or horses. Councilmember Willis stated 10-9 also covers fencing, Remove the word connecting

Unstable soils unstable soils that cannot be engineered are unbuildable.

51 Benching and terracing to make larger building sites is prohibited. "Excessive" was removed because it is  
52 too vague. The intent was so that land cannot be leveled and make unbuildable slopes terraced and  
53 buildable. Ron Gaily, Planning Commission stated that excessive was originally used because no  
54 terracing was too restrictive. A height has to be determined where there is no terracing or use a modifier;  
55 so, the modifier "excessive:" was used. If left as is there is no benching. Councilmember Abbott stated the  
56 building lot has to be determined before development and recorded on the mylar. Peterson, this falls under  
57 the subdivision this is so topo can't be leveled to make more lots but terracing a private lot to put in a wall  
58 is different which is already in the Discussion ensued on changing the code to "During the subdivision  
59 phase there is no benching and terracing to make additional or larger building lots is prohibited".

60  
61 Discussion ensued on open space. Councilmember Abbott does not want open space dedicated to the city  
62 unless its trails and roads but not slopes of 20%-30%. Councilmember Thomas stated future councils can  
63 always change what open space dedicated to the city is used for, and that a trust is the only way to protect  
64 open space. Larry Lee Planning Commission asked if there is another part of the code that talks about  
65 trails? Discussion ensued on parks and trails: a trail isn't a park and what type of park would be utilized  
66 and the cost associated with parks. Councilmember Abbott stated open space and private open space has  
67 to be clearly defined so public stays off private lands. Councilmember Willis stated that the city is behind  
68 on the required park space and open space comes in if there is clustering. Large private open space could  
69 potentially be divided later, and more homes are put in then was originally platted in the future. Melanie  
70 Paxton, Planning Commission asked/stated for clarification that the landowner and developer have a say  
71 in where the trails are? Trails are the key interest to the city. Councilmember Abbott clarified that the  
72 landowner and developer do have that right and this is done during the subdivision approval process. The  
73 options for open space is to give the landowner and developers a choice. Councilmember Peterson stated  
74 the only open space that should be spelled out are the trails, parks and parking lots, everything else is  
75 private property and should be up to the developer/landowner to put in a trust etc. and if they want to  
76 donate open space to the city, they can negotiate that. Councilmember Abbott stated if the developer puts  
77 in trails, they need to forego sidewalks, it needs to be one or the other. Melanie Paxton, Planning  
78 Commission stated the city needs to designate what type of trails there are going to be, paved or natural.  
79 Larry Lee stated roadside trails can be easily connected and easier to maintain especially in the winter.

80  
81 Road grade was changed to 10%. Melanie Paxton, Planning Commission stated that Shawn Elliot spoke  
82 to the Planning Commission and 10% is standard. Councilmember Willis stated this cuts down on cut and  
83 fill when putting in the roads.

84  
85 Ron Gaily, Planning Commission stated revegetation was changed to a "general plan" just so the city  
86 knows they have a plan and not so restrictive. Councilmember Peterson would rather have this done  
87 during final approval.

88  
89 Councilmember Abbott stated the city is under some constraints because of sewer and water. I well and  
90 tank also has to be out before anything is developed. Councilmember Thompson stated that the city has to  
91 add storm drain and retention to this code; it is not mentioned anywhere. Run off is a significant issue.  
92 Councilmember Thompson stated at the last meeting all council and planning commission members said  
93 1 acre is the preferred minimum. Councilmember Peterson stated his task from the last meeting was to  
94 look into sewer connections and issues. Payson stated they could have additional sewer connection with  
95 upgrades to the mainline for 300-400 connections, but Payson has not given the city a definitive answer as  
96 Payson is currently mapping Elk Ridge lines which will take a couple weeks. Councilmember Abbott  
97 stated that new development would only have to pay for the upsizing of any upgrades to the sewer  
98 mainline to Payson, Elk Ridge would have to pay for the remaining 75% per state code. Councilmember  
99 Thomson stated the council cannot pass could on "what if" the council has to use real data.  
100 Councilmember Abbott stated that right now with the connections the city has lot sizes work out to a 4-  
101 acre minimum. Councilmember Peterson stated the buildable area with the drainages and everything that

is on the sensitive area map including everything that is not gradable to the sewer with the elevation there is some area that could not hook into the sewer. Subtracting 20% out of the buildable area for roads it works out o a .71-acre minimum lot size minimum, so the 1 acre is more in line taking everything into account.

Councilmember Abbott moved into the regular city council meeting.

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**OPENING REMARKS– INVITATION**

Opening remarks were offered by Ron Gaily, Planning Commission

**APPROVAL/AGENDA TIME FRAME**

COUNCILMEMBER THOMAS MOTIONED TO APPROVE THE AGENDA AND TIMEFRAME  
COUNCILMEMBER PETERSON SECONDED

VOTE:                      AYE (5)                      NAY (0)                      APPROVED

**PUBLIC FORUM**

Lisa Graham - Concerned about safety and traffic. High Sierra was not meant to handle high traffic. Landowners have rights but that should not supersede existing homeowners.

Valerie Gettys - Agrees with Lisa Graham

Dari Schulb - also concerned about traffic. Development needs to be done smart and safe.

Casey Bush- Is concerned about new sewer and how that will affect his utility bill and is also concerned about traffic on High Sierra

Holly Worthington - is concerned about fire mitigation and evacuation from the area

James Alistrum Attorney for Liz Moeller - concerned with 4 acre minimum and bonus density and takings of the city

David Ruff - owns land above High Sierra Drive for 15 years and would like to be able to build his home on this land and the development to be an asset to the city. Even without a new development the city needs a new well and would like the city to work with landowners productively.

Sharon Shuler - landowner whose family has been working on developing the land for 14 years. All the decisions the council is making are affecting people's lives and would like to work reasonably

Karl Shuler - watched Elk Ridge get started and wondered how Goosenest and the little bridge would handle the traffic with 24 homes within the city, but it worked out and wondered how it would affect his pheasant hunting. He didn't want development but has changed his mind over the years. When he tried to develop his land, they were going to add width to High Sierra and a possible trail or sidewalk but as time has gone on and houses were built it made it harder to do that. Problems of sewer and water are an ongoing issues all through Utah but these issues can be fixed.

Kelly Adams - been in Elk Ridge since 1989 development is inevitable and is concerned that new infrastructure is being built on old infrastructure. The city needs to look at the whole infrastructure when developing.

Aubrey Johnson - Her family donated a lot of land to the city and would like the city to treat her family fairly which has not been the case. Her father (Karl Shuler) does not want special treatment. The 4-acre lot minimum is, and 2 ingress and egress are unfair not fair as seen throughout the city.

Jed Shuler - If the density of 4 acre minimum is considered almost 40% of the area is taken out. Is also concerned about all the constraints being out into this area which greatly reduces the buildable lots. The 4-acre minimum is too restrictive and makes it impossible to develop.

Leann Adams - is concerned about the density that developers are requesting. Council is responsible for health and safety which is fire safety, old connecting to new infrastructure and traffic and runoff. She is for property rights for developers and existing residents.

Kevin Clark - is concerned about water pressure and flooding, he had to put a sump pump in to protect his home from runoff. How is runoff going to be addressed?

Kristin Rutter - The Shuler family helped establish Elk Ridge and the property owners are not looking to put in hundreds of homes.

## **REGULAR CITY COUNCIL MEETING AGENDA ITEMS**

### **1. CE3 Discussion**

Councilmember Peterson stated land that cannot connect to the sewer is because of the topography, sewer cannot run uphill. The bigger the lots are the more the city will have to subsidize the roads. The 4-acre minimum is absurd. He does not think the city should do clustering and just go with a set lot density and 1-acre minimum lot size and require trails.

Councilmember Abbott agrees with Councilmember Peterson. Councilmember Thomas asked if that 1 acre includes unbuildable area? Councilmember Peterson stated there needs to be enough buildable area on a lot. Ron Gaily, Planning Commission stated there will be 400 homes up there times x amount of cars on High Sierra that's an issue that a lot of people spoke of tonight; 1 acre may be the nice thing to say but the consequence is what a lot of people are deeply concerned with. Councilmember Willis stated they are tying in with how the master plan and is supposed to tie into a connector street. Ron Gaily, Planning Commission stated an individual this evening spoke of other developments only having 1 access, but the city cannot have 300 homes up there with just a single exit. Councilmember Peterson stated the city code requires 2, a traffic study and utility studies. Councilmember Willis stated she can figure out option for sewer and water but has not been able to find a solution to traffic. Councilmember Abbott stated until the city has a way to get adequate roads to the area the city is setting itself up for trouble. Councilmember Willis stated the city had its practice fire and the city needs to learn from that.

Councilmember Abbott stated there is a 4-acre base and if you do clustering that 4 acre can go down to 1 acre in exchange for trails open space and other things. This gives developers an option. Councilmember Willis stated perhaps those lots can be grandfathered in. Councilmember Abbott stated the previous Elk Haven development worked out at 1 acre lots. Councilmember

Peterson does not want to play games with it and just do straight 1 acre lots and get rid of the shenanigans which costs everyone in the city. The city needs to set parameters and have the engineers figure it out. Larry Lee Planning Commission stated having bonus density it does identify the interests in what the city would want; that is the one advantage. If you take out the bonus density maybe there should be a priority of things that are desirable to the city which would fit in with Councilmember Peterson's approach. Melanie Paxton Planning Commission stated that you cannot just take, that is illegal.

Councilmember Thompson stated he is inclined to leave it at the bigger lot size and if the engineers can prove and that all concern have been addressed then the 1-acre higher density would be ok. Ron Gaily Planning Commission stated that is essentially what is written.

Discussion ensued on the minimum frontage being changed from 150 feet to 100-120 feet and the front setback from 50 feet to 30 feet and side setback from 20 feet to 12 feet. Councilmember Abbott stated the council needs to get input from the Fire Chief on the setbacks. Cul-de-sac size at 150 feet which is recommended by the Fire Chief and Public Works instead of 170 feet.

Other items the Planning Commission needs to look at in the next meeting:

Building envelope on page 10 needs to be elaborated on such as what is included in the envelope and what is not included.

Strike #6 it is elsewhere in the code.

The tables need to be altered. Retention walls code needs to state it follows the current IBC.

Cuts and fills maximum cut or fill is 15 feet is that across the entire lot? What exactly does this mean? Remove the word maximum?

Fencing change to cordoned off during the grading process or leave according to SWWPP

Limits of disturbance clarify

Off street parking is already elsewhere in the code.

Driveway grades

Subdivision process is already in the code. Remove except for additional items needed for the CE3 code.

Livestock and animal rights is already elsewhere in the code.

abide by it and not something a developer had made and not referred to as a suggestion.

Page 4 B - Ridgelines and unbuildable spaces and lesser slopes, meet and grades- needs to be clarified with better defined language or needs removed.

Conditional Use permits should be approved by staff administration as stated elsewhere in the code.

Councilmember Peterson stated the sensitivity map needs to be done by the city and the developers

**COUNCILMEMBER THOMPSON MOTIONED TO ADJOURN COUNCILMEMBER THOMAS  
SECONDED**

VOTE:                      AYE (5)                      NAY (0)                      APPROVED

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Laura Oliver, Deputy Recorder